

March 23, 2000

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

RE: COMMENTS ON NOTICE OF PROPOSED RULEMAKING
IN THE MATTER OF VIDEO DESCRIPTION OF VIDEO PROGRAMMING

MM Docket No. 99-339

The responses received to FCC's proposal to mandate description of a few television programs is no doubt puzzling to the commissioners. FCC probably expected to hear universal acclaim from the blind community and whining from the television industry. After duly and politely characterizing the responses, FCC could then finalize its rule and feel very positive about helping the blind. Unfortunately, it's not that simple.

For two principal reasons and a host of contextual ones, I urge FCC to abandon its proposed rule mandating description of a few TV programs. I should mention that I am a blind person and have been so for over thirty years.

The two reasons, in a nutshell, are: (1) there is something more important; and (2) adoption of this rule will probably be the extent of FCC action, thus ignoring the more important issue.

Something More Important:

Nobody disagrees that blind people need enhanced access to information provided through the medium of television. The disagreement concerns what information is most important and should be mandated first.

FCC's proposal is to require description of entertainment portions of television. While many blind persons consider this nice, it's not the most important piece of information blind people need from television. Rather, safety and news information are.

Our TV screens contain all kinds of information not accessible to a blind Person--printed on the screen but not voiced. That is far more important than the description of events within a television program.

Some examples are: emergency weather information crawled across the bottom of the screen while the program remains in progress; identities of interviewees on national nightly news programs; 800 numbers for more information in commercials; program guides available on cable TV systems; sports scores from local games during local news programs. Each of these instances in which the information is not available to a blind viewer is safety- or information-related and vastly more vital to one's life and participation in one's nation than is the plot of a weekly TV show.

The reason FCC has even considered mandating descriptions of programming is because a TV station in Boston has a significant voluntary commitment to description through which both television programs and movies are produced with

descriptions included. In other words, somebody thought of a way to do it and the concept is widely known among the blind community.

But knowing a concept neither makes it the most important goal nor desirable as a mandate. On the other hand, no one is working on providing the blind with the core, unvoiced information about safety and news mentioned earlier. Until an idea is taken seriously, it cannot be operationalized. Blind persons watching television are constantly frustrated by lack of access to safety and news information printed but not voiced. But no one has produced what looks like a solution.

And no one will unless the FCC steps in.

A very simple, low-tech solution for broadcasting this printed, unvoiced information exists. Station employees, news producers, and advertisers could include soft, voiced versions of the information during the actual program or could include human-voice simultaneous reading of the unvoiced information through the secondary audio channel. Without a mandate from FCC, this will never, ever be done.

And, with a mandate, technology will certainly be developed along with standards for production that would produce the voiced information (again, either softly in the actual program or through the SAP) by synthesized digital voice rather than by human voice. The technology and standards would evolve pretty quickly and be very cost-effective as compared to hiring employees and in view of the large potential market in all television stations, ad production facilities, and TV production facilities in the country.

No such fundamental change in our access to core, unvoiced information, taken for granted by sighted viewers, will occur without an FCC mandate.

A Little Will Seem Enough

If FCC finalizes the rule on description of entertainment TV, that will likely be considered enough. Efforts to change and improve access to any information broadcast on television will likely stop there. Oh, well, it's possible that the number of hours per quarter required to be described might be tweaked a bit now and then, but no whole new topic is ever likely to be raised.

I'm speaking here of time management, of the fact that handling the concerns of the blind is not and will never be a big priority for FCC. If there is ever time for handling of two issues concerning the blind, then all the better. But I'm skeptical.

And, if we get one chance, we should insist that it be to achieve access to core, unvoiced information such as safety, news, and programming information being broadcast. This information protects citizens and enables use of the medium. Detailed use of a given program (largely achieved in most cases through dialog and sound) can be handled in a second, later rulemaking if FCC wants to devote more time to access for the blind.

But the facts of workload and other pressing issues make one shot much more likely than two. I urge FCC to take that first shot with care and thought and to take it on behalf of protective and enabling information rather than entertainment.

Other Notes

1. Regardless of what FCC may have been told, description of entertainment programs is not standardized and routinized as is closed captioning or printing of words on the screen for the deaf. Rather, describing entertainment is actually an added form of art, going beyond what the original producers have provided by adding a level of audible description chosen by the describer. No two persons would choose the same words, items, and matters to ignore. Given these facts, requiring description of entertainment television is requiring something that cannot be standardized and, in effect, cannot be checked. In other words, a very few lines of description will actually suffice for a bare minimum when another describer might choose to talk constantly during the entire silent space of the original production. Potential for lots of fights over what description means if adoption of the proposed mandate occurs.

2. Access to printed, unvoiced information is going to have to occur sometime. What about competition between description of entertainment and voicing of printed information? Which is more important? If safety and news information is more important, its provision should be settled first so that its priority, should it use the SAP, can be established in standards used to produce core information and entertainment information. In other words, if an entertainment program in progress with SAP description is underway when a weather bulletin starts its crawl, the weather bulletin must trump the entertainment. So we should establish the system for weather bulletins first to know what it is so we can know how to give it priority in case of potential conflicts. If the entertainment description is established first, we may never get to the core information and, if we do, we may not be able to get it the proper priority in the stream of voiced information.

3. This problem is all the more acute given the practice of voicing Spanish language translations for English programs on the SAP. It is unclear which will have priority if both are being fed to the SAP channel; it is equally clear that weather bulletins should have priority over both and so need to be factored in before translations and entertainment.

4. The need for establishing priorities and standards for production is all the more acute, given the impending shift to digital. Digital will give producers, networks, and stations more flexibility. There should be no flexibility in whether core, unvoiced information is voiced. But there should be clear standards and mandates in place before digital gets going very far so that all players will know they have to build in broadcast of core information and just how to do it.

5. FCC will unquestionably get numerous comments urging it to finalize its proposed rule. However, I'll bet large sums that no such commenter will disagree with the need to have core information voiced. In conversations I've had with proponents of the proposed rule, these commenters at first think FCC is requiring both core information and entertainment information. When the distinction is drawn and the fact that FCC is only requiring entertainment information is explained to such commenters, they invariably reply in frustration: "Well, then, why can't we have both?" In effect, these persons, when questioned, say that they want the entertainment information and that they need the core information.

5. My final point is to urge FCC to take heed of the distinction between

needing information and wanting it. If FCC is to bring the power of the federal government into play to require a change in broadcasting, it should do so for needed information rather than wanted information. Protect lives before describing chase scenes; identify news figures prior to telling me which actor does what gesture; give me program guides so that I can find the programs at the right times.

Please consider with care the distinction between what is needed and what is wanted. Please consider with care the emotional basis for much of what you will be hearing from commenters who are not familiar with the details of the proposal or with the possibility of access to core, unvoiced information. And, upon consideration, please abandon the current proposal and start again with the information that must come first.

Sincerely yours,

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